

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAVID LEIBOWITZ, BENJAMIN LEIBOWITZ,  
JASON LEIBOWITZ, AARON LEIBOWITZ, and  
PINCHAS GOLDSHTEIN,

Plaintiffs,

v.

IFINEX INC., BFXNA INC., BFXWW INC.,  
TETHER HOLDINGS LIMITED, TETHER  
OPERATIONS LIMITED, TETHER LIMITED,  
TETHER INTERNATIONAL LIMITED,  
DIGFINEX INC., PHILIP G. POTTER,  
GIANCARLO DEVASINI, LUDOVICUS JAN  
VAN DER VELDE, REGINALD FOWLER,  
CRYPTO CAPITAL CORP., and GLOBAL  
TRADE SOLUTIONS AG,

Defendants.

No. 19 Civ. 09236 (KPF)  
ECF Case

ERIC YOUNG, ADAM KURTZ, and DAVID  
CRYSTAL on behalf of themselves and all others  
similarly situated,

Plaintiffs,

v.

IFINEX INC., BFXNA INC., BFXWW INC.,  
TETHER HOLDINGS LIMITED, TETHER  
LIMITED, DIGFINEX INC., TETHER  
OPERATIONS LIMITED, TETHER  
INTERNATIONAL LIMITED, AND JOHN DOES  
1-50,

Defendants.

No. 20 Civ. 00169 (KPF)  
ECF Case

*[caption continued next page]*

**PLAINTIFF BRYAN FAUBUS' MEMORANDUM OF LAW  
IN SUPPORT OF MOTION TO APPOINT KIRBY MCINERNEY LLP  
AND THE RADICE LAW FIRM AS INTERIM CO-LEAD COUNSEL**

BRYAN FAUBUS on behalf of himself and all  
others similarly situated,

Plaintiff,

v.

IFINEX INC., BFXNA INC., BFXWW INC.,  
TETHER HOLDINGS LIMITED, TETHER  
LIMITED, DIGFINEX INC., TETHER  
OPERATIONS LIMITED, TETHER  
INTERNATIONAL LIMITED, AND JOHN DOES  
1-50,

Defendants.

No. 20 Civ. 00211 (KPF)  
ECF Case

JOSEPH EBANKS, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

IFINEX INC., BFXNA INC., TETHER  
HOLDINGS LIMITED, TETHER LIMITED,  
TETHER OPERATIONS LIMITED, DIGFINEX  
INC., JEAN-LOUIS VAN DER VELDE,  
GIANCARLO DEVASINI and PHILIP POTTER,

Defendants.

No. 20 Civ. 00453 (KPF)  
ECF Case

In accordance with the Court's January 17, 2020 Scheduling Order, Plaintiff Bryan Faubus respectfully submits this memorandum of law in support of the motion by Eric Young, Adam Kurtz, and David Crystal to appoint Kirby McInerney LLP ("Kirby") and the Radice Law Firm, P.C. ("Radice") (collectively, the "Kirby/Radice Team") as interim co-lead counsel.

Federal Rules of Civil Procedure 23(g)(3) permits the Court to "designate interim counsel to act on behalf of the putative class before determining whether to certify the action as a class action." Counsel's experience, knowledge of the law, and the resources it can commit to the litigation are important factors for the Court's consideration on this motion. Fed. R. Civ. P. 23(g)(ii-iv). The Kirby/Radice Team most effectively satisfies the requirements of Rule 23, for the reasons set forth below.

First, the Kirby/Radice Team's investigation and complaint did not merely rely on publicly-available factual information, but also included complex expert analysis identifying factual or statistical allegations particularized to exchange-based Bitcoin traders, including (1) developing a proprietary algorithm and identifying, for the first-time, specific dates of Defendants' manipulation of Bitcoin, (2) developing a proprietary systematic mapping of the trading flow of newly issued Tethers and identifying over 236 specific manipulative transactions, (3) identifying Defendants' manipulation on at least 115 different occasions, including intermediary wallets that Defendants potentially used for wash trading, (4) performing rigorous regression analyses evidencing that Defendants liquidated their Bitcoin holdings to replenish their U.S. dollars holdings and perpetuate their systematic manipulation, and (5) performing various regression analyses demonstrating the lockstep statistical relationship between Bitcoin and Bitcoin futures and identifying specific occasions of Defendants' manipulation and mean/median pricing impact on Bitcoin futures. The investigation by the Kirby/Radice team

demonstrates not only that it has a commitment to the litigation, but also possesses the ability to analyze the novel and complex economic statistical issues that will arise in this litigation. Because this litigation focuses on novel and cutting-edge issues in the cryptocurrency markets, the ability of the Kirby/Radice Team to handle these complex analyses is essential to the effective litigation of the case.

Second, the Kirby/Radice Team has the expertise and resources necessary to litigate complex commodities and antitrust cases such as this one. Mr. Faubus's counsel, Glancy Prongay & Murray LLP ("GPM")<sup>1</sup> has worked with both Kirby and Radice extensively in the past in complex commodities, antitrust, securities, and derivative class actions. As a result, GPM has learned that both firms not only achieve excellent outcomes for the classes they represent, but both firms also work well with others. GPM believes that these two firms will best organize and litigate this case.<sup>2</sup>

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<sup>1</sup> While GPM is supporting the appointment of the Kirby/Radice Team as interim lead counsel here, GPM also has extensive experience in complex class actions, and has served in lead counsel or executive committee capacities in many major securities, derivative, and antitrust litigations. GPM's résumé is attached hereto.

<sup>2</sup> Alternatively, GPM submits that the Kirby firm should be appointed as Interim Lead Counsel and/or Plaintiffs' Liaison Counsel based on the strength of the analysis in the *Young* Complaint and the leadership already demonstrated in their cooperative approach to these Related Actions. See Order Appointing Interim Co-Lead Counsel, *Binz v. Amadeus IT Group, S.A.*, No. 15 Civ. 5457 (KPF) (S.D.N.Y. Dec. 7, 2015) [ECF No. 144] (appointing plaintiffs' liaison counsel to interface with the Court and defense counsel).

Accordingly, Plaintiff Bryan Faubus supports the appointment of the Kirby/Radice team as interim co-lead counsel.

DATED: January 27, 2020

**GLANCY PRONGAY & MURRAY LLP**

By: /s/Gregory B. Linkh  
Gregory B. Linkh GL-0477  
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**DECLARATION OF SERVICE**

I, Gregory B Linkh, declare that I am over the age of eighteen (18) and not a party to the entitled action. I am a partner in the law firm of Glancy Prongay & Murray LLP, counsel for Plaintiff Bryan Faubus in this action. On January 27, 2020, I caused to be filed the foregoing document with the Clerk of the Court of the United States District Court for the Southern District of New York, using the official Court Electronic Document Filing System which served copies on all interested parties registered for electronic filing.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Gregory B. Linkh  
Gregory B. Linkh

**GLANCY PRONGAY & MURRAY LLP**

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**FIRM RESUME**

**Glancy Prongay & Murray LLP** (the “Firm”) has represented businesses, investors, and consumers for nearly 25 years. With offices in New York City, Los Angeles, and Berkeley, the Firm has successfully prosecuted class action cases and complex litigation in federal and state courts throughout the country. As Lead Counsel or as a member of Plaintiffs’ Counsel Executive Committees, the Firm has recovered billions of dollars for parties wronged by corporate fraud and anti-competitive conduct. Indeed, the Institutional Shareholder Services unit of RiskMetrics Group has recognized the Firm as one of the top plaintiffs’ law firms in the United States in its Securities Class Action Services report for every year since the inception of the report in 2003. The Firm’s efforts have been publicized in major newspapers such as the *Wall Street Journal*, the *New York Times*, and the *Los Angeles Times*.

Glancy Prongay & Murray’s commitment to high quality and excellent personalized services has boosted its national reputation, and we are now recognized as one of the premier plaintiffs’ firms in the country. The Firm works tenaciously on behalf of clients to produce significant results and generate lasting corporate reform.

The Firm’s integrity and success originate from our attorneys, who are among the brightest and most experienced in the field. Our distinguished litigators have an unparalleled track record of investigating and prosecuting corporate wrongdoing. The Firm is respected for both the zealous advocacy with which we represent our clients’ interests as well as the highly-professional and ethical manner by which we achieve results. We are ideally positioned to pursue antitrust litigation, securities litigation, consumer litigation, and derivative and corporate takeover litigation. The Firm’s outstanding accomplishments are the direct result of the exceptional talents of our attorneys and employees.

## SECURITIES GROUP

GLANCY PRONGAY & MURRAY LLP is a leader in obtaining relief for investors affected by corporate securities fraud.

Frequently, public companies misrepresent their financial condition artificially inflates the price of their securities. When the true financial condition of these companies is revealed, the stock price plummets, and investors – many of whom are public and private retirement funds who are entrusted with their members' money who have invested for their retirement – suffer financially. Conversely, corporate insiders often profit from their knowledge of adverse company information by selling their securities before the company discloses such information to the market.

The Firm has a strong commitment to help investors injured by corporate wrongdoing. Demonstrating this commitment to assist injured investors and to restore integrity in the financial markets, the Firm aggressively represents the interests of investors in securities litigation.

GLANCY PRONGAY & MURRAY LLP and its lawyers have represented a variety of domestic and international public and private institutions, including West Virginia Investment Management Board, Deka Bank, Dyson Capital Management, City of Sterling Heights Police and Fire Retirement Fund, City of Dearborn Heights Police and Fire Retirement Fund, City of Livonia, City of Roseville Employee Retirement System, St. Clair Shores Police and Fire Retirement Fund, City of Westland Police and Fire Retirement Fund, Quaker Mutual, Saratoga Advantage Trust Energy & Basic Materials Portfolio, Saratoga Advantage Trust Mid Capitalization Portfolio, Pennsylvania Avenue Partners, Directors Financial, Sapphire & Winston Capital, City of Farmington, Palm Beach Capital, Nurol Menkol Kiymetler A.S., PELO a.s., Frankfurt Trust, Pioneer Investment Management SGR S.A., Goose Hill Capital LLC, and First New York Securities LLC, Houlihan & Co. LLC, and Camelot Event Driven Fund.

The Firm is currently Lead or Co-Lead Counsel in *In re Deutsche Bank AG Sec. Litig.* (S.D.N.Y.); *In re Horsehead Holding Corp. Sec. Litig.* (D. Del.). In addition, the Firm represents a private investor in an opt-out action involving the failed AbbVie-Shire merger.

Appointed as Lead or Co-Lead by judges throughout the United States, GLANCY PRONGAY & MURRAY LLP has achieved significant recoveries for class members, including:

***In re Yahoo! Inc. Sec. Litig.*, N.D. Cal., Case No. 17-cv-373**

In reaching an \$80 million settlement for a class of stock purchasers, the firm achieved the first significant settlement in a suit brought by shareholders under Section 10(b) of the Securities Exchange Act of 1933 based on a company's alleged failure to disclose adequately cybersecurity risks and incidents. GLANCY PRONGAY & MURRAY LLP was Co-Lead Counsel.



***The City of Farmington Hills Employees Retirement System v. Wells Fargo Bank, N.A., D. Minn. Case No. 10-cv-04372***

The Class's claims were for breaches of fiduciary duty, breaches of contract, and violations of the Minnesota Prevention of Consumer Fraud Act (Minn. Stat. § 325F.69). The lawsuit alleged that through its administration of its securities lending program, Wells Fargo breached its contractual agreements with and fiduciary duties to the Class and violated the Minnesota Prevention of Consumer Fraud Act. Specifically, the Class Action alleged that CFHERS and other Class members entered into securities lending agreements and other agreements with Wells Fargo. Pursuant to such agreements, Wells Fargo loaned CFHERS's and Class members' securities to third party borrowers in return for cash collateral. In its complaint, CFHERS alleged that Wells Fargo acted imprudently by investing and maintaining the securities lending collateral in high risk, long-term securities on behalf of members of the Class, which violated the express terms and principle objectives of the securities lending agreements. The alleged high risk, long-term securities included, but were not limited to, structured investment vehicles, including Cheyne and Victoria, mortgage-backed securities, other asset-backed securities, and corporate bonds for such companies as Lehman Brothers and Bear Stearns. Finally, CFHERS alleged that Wells Fargo's improper conduct as the administrator of the securities lending program caused substantial losses to CFHERS and members of the Class. On the eve of trial, the case settled for \$62.5 million.

***Mercury Interactive Corporation Securities Litigation, N.D. Cal. Case No. 5:05-cv-3395***

Mercury made a series of public disclosures revealing that an investigation was being conducted into possible unreported backdating of stock options. As these disclosures of potential wrongdoing at Mercury became more serious, it was announced that the CEO, CFO, and General Counsel would be resigning because they had been aware of, participated in, and benefitted from repeated instances of illegal stock options backdating. Mercury's stock price dropped significantly in reaction to these announcements, and created a huge, unfair loss to investors. Serving as Co-Lead Counsel, GLANCY PRONGAY & MURRAY LLP achieved a recovery for investors of over \$117 million.

***Real Estate Associates Securities Litigation, C.D. Cal. Case No. 98-cv-07035***

In 1998 the individual defendants caused consent solicitation statements to be sent to the limited partners of each of the Real Estate Associates partnerships. The consent solicitations allegedly contained statements which were false and misleading and failed to disclose certain material information, violating Sections 14(a) and Rule 14a-9 of the Securities and Exchange Act of 1934. The complaint sought declaratory and injunctive relief for violations of federal and state law and compensatory and punitive damages for breach of common law fiduciary duties. A recovery of \$83 million was achieved for investors.

***Conseco, Inc. Securities Litigation, S.D. Ind. Case No. 1:02-cv-1332***

The Complaint alleged Conseco, its CEO, President and CFO violated Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 and S.E.C. Rule 10b-5. Plaintiffs claimed Conseco made material omissions and misleading statements concerning problems with Conseco's

liquidity and the Company's manufactured-homes financing business. Although defendants were in possession of materially adverse information about Consec's liquidity problems and problems with the collectability of the Company's mobile home loans, they failed to fully disclose the information to investors, causing Consec's stock price to become artificially inflated. GLANCY PRONGAY & MURRAY LLP achieved a \$41.5 million recovery for investors.

***Robb v. FitBit Inc., Securities Litigation, N.D. Cal. Case No. 16-cv-00151***

In this securities fraud class action, GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the Class and achieved a settlement of \$33 million.

***Gilat Satellite Networks, Ltd. Securities Litigation, E.D.N.Y. Case No. 02-cv-1510***

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the Class and achieved a settlement of \$20 million.

***Lapin v. Goldman Sachs, S.D.N.Y. Case No. 04-cv-02236***

The Complaint alleged violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 and S.E.C. Rule 10b-5. This case stems from a financial securities firm's alleged conflicts of interest. The conflict alleged pitted the firm's securities analysts against the firm's actual or potential investment banking clients. It was alleged that this conflict of interest, which was not disclosed by the firm to its shareholders, artificially inflated the price of the firm's stock purchased during the relevant time period. Defendants engaged in a series of undisclosed acts and practices that created conflicts of interest for their research analysts with respect to investment banking consideration. These practices were allegedly used to help Goldman compete for Initial Public Offering ("IPO") business, which "resulted in lucrative banking fees and the promise of future investment banking and related businesses such as fees from secondary offerings, making bridge loans and other corporate financing transactions, and advising on mergers and acquisitions." GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the Class and achieved a settlement of \$29 million.

***Heritage Bond Litigation, C.D. Cal. Case No. 02-ml-1475***

The Firm recovered in excess of \$28 million in a global settlement in 2005 for defrauded investors. The bond issues involved in this case included Danforth Health Facilities Corporation, Tarrant County Health Facilities Development Corporation, City of Mexico Beach, Florida, City of Chicago, Illinois and Desert Hot Springs Public Authority in California.

***Livent, Inc. Noteholders Litigation, S.D.N.Y. Case No. 98-cv-7161***

This was a securities class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the class and achieved a settlement of \$27 million.

***ECI Telecom Ltd. Securities Litigation, E.D. Va. Case No. 01-cv-913***

In 2001, the Eastern District of Virginia District Court appointed the Firm Lead Counsel to prosecute this case on behalf of ECI investors. In the Second Amended Complaint, plaintiffs alleged ECI fraudulently engaged in a premature revenue recognition scheme, which violated both Generally Accepted Accounting Principles and ECI's own accounting policies. Following the District Court's denial of the defendants' motions to dismiss, GLANCY PRONGAY & MURRAY LLP began extensive discovery and was able to negotiate a settlement of \$21.75 million for ECI investors.

***Lumenis, Ltd. Securities Litigation, S.D.N.Y. Case No. 02-cv-1989***

GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel and achieved a settlement valued at over \$20 million.

***In re Penn West Petroleum Ltd. Securities Litigation, S.D.N.Y. Case No. 14-cv-6046***

GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel on behalf of a class of investors of Penn West Securities purchasers alleging claims under section 10(b) of the Securities Exchange Act of 1934. The case settled for \$19.4 million.

***In Re Turkcell Iletisim A.S. Securities Litigation, S.D.N.Y. Case No. 00-cv-08913***

Attorneys now at GLANCY PRONGAY & MURRAY LLP served as Lead Counsel and achieved a settlement of \$19.2 million for a case against a Turkish telecom company involving its IPO on the NYSE.

***Wilson v. LSB Indus. Securities Litigation, S.D.N.Y. Case No. 15-cv-7614***

GLANCY PRONGAY & MURRAY LLP served as Lead Counsel on behalf of a class of purchasers of LSB securities pursuant to section 10(b) of the Securities Exchange Act of 1934. The case settled for \$18.45 million.

***Infonet Services Corporation Securities Litigation, C.D. Cal. Case No. 01-cv-10456***

On April 4, 2002, the Central District of California District Court appointed the Firm Co-Lead Counsel to represent Infonet investors. The Complaint alleged defendants violated Sections 11, 12(a)(2) and 15 of the Securities Act of 1933, and Sections 10(b) and 20A of the Securities Exchange Act of 1934 and S.E.C. Rule 10b-5. Specifically, shortly before the Infonet IPO in December 1999, Infonet acquired AUCS. The acquisition transaction was disguised as a management agreement, which would allow Infonet to switch AUCS's clients over to Infonet without having to use the business assets of AUCS. GLANCY PRONGAY & MURRAY LLP achieved a settlement for investors of \$18 million.

***ESC Medical Systems, Ltd. Securities Litigation, S.D.N.Y. Case No. 98-cv-7530***

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as sole Lead Counsel for the damaged Class and achieved a settlement valued in excess of \$17 million.

***Musicmaker.com Securities Litigation, C.D. Cal. Case No. 00-cv-02018***

The Firm was appointed Lead Counsel on June 21, 2000, to represent a class of Musicmaker shareholders. The Complaint alleged Musicmaker violated Sections 10(b), 20A and 20(a) of the Securities Exchange Act of 1934 and S.E.C. Rule 10b-5, as well as Sections 11, 12 and 15 of the Securities Act of 1933. After defeating defendants' motions to dismiss, the Firm engaged in extensive settlement negotiations, which resulted in an almost \$14 million recovery for the plaintiffs.

***Leap Securities Litigation, S.D. Cal. Case No. 07-cv-2245***

This was a securities class action in which GLANCY PRONGAY & MURRAY LLP served as Liaison Counsel for the class and achieved a settlement of \$13.75 million for investors.

***Lason, Inc. Securities Litigation, E.D. Mich. Case No. 99-cv-76079***

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel and recovered almost \$13 million for damaged shareholders.

***Inso Corp. Securities Litigation, D. Mass. Case No. 00-cv-10305***

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the Class and achieved a settlement valued in excess of \$12 million.

***National Techteam Securities Litigation, E.D. Mich. Case No. 97-cv-74587***

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the Class and achieved a settlement valued in excess of \$11 million.

***KPNQwest Securities Litigation, S.D.N.Y. Case No. 02-cv-07951***

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the Class and achieved a settlement for investors worth \$11 million.

***Jenson v. First Trust Corporation, C.D. Cal. Case No. 05-cv-3124***

GLANCY PRONGAY & MURRAY LLP filed its complaint in 2005, was appointed sole lead counsel, and achieved an \$8.5 million settlement in a very difficult case involving a trustee's

potential liability for losses incurred by investors in a Ponzi scheme. Kevin Ruf of the Firm also successfully defended in the 9<sup>th</sup> Circuit Court of Appeals the trial court's granting of class certification in this case.

***Ramp Networks, Inc. Securities Litigation*, N.D. Cal. Case No. 00-cv-3645**

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the Class and achieved a settlement valued in excess of \$7 million.

***Plumbing Solutions Inc. v. Plug Power*, E.D.N.Y. Case No. 00-cv-5553**

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the class and achieved a settlement of \$5 million.

***Ree v. Procom Technologies, Inc.*, S.D.N.Y. Case No. 02-cv-7613**

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the Class and achieved a settlement of \$2.7 million for investors.

***Capri v. Comerica, Inc.*, E.D. Mich. Case No. 09-cv-13201**

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the Class and achieved a settlement of \$2.7 million.

***Tatz v. Nanophase Technologies Corporation*, N.D. Ill. Case No. 01-cv-8440**

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the class and achieved a settlement of \$2.5 million for investors.

## ANTITRUST PRACTICE GROUP

GLANCY PRONGAY & MURRAY LLP has established a significant antitrust practice. Anti-competitive behavior interferes with the operation of economic markets. The prevalence of price-fixing and market-allocation cases has increased at both the national and international levels. As government criminal investigations increase, civil litigation increasingly becomes important as a supplement to redress such misconduct.

The Firm's Antitrust Practice Group focuses upon representing individuals and entities who have been victimized by unlawful monopolization, price-fixing, market allocation, and other anti-competitive conduct. The Firm has prosecuted significant antitrust cases and has helped individuals and businesses recover billions of dollars. Prosecuting civil antitrust cases under federal and state laws throughout the country, the Firm's Antitrust Practice Group represents consumers, businesses, and Health and Welfare Funds and seeks injunctive relief and damages for violations of antitrust and commodities laws. The Firm has served as lead or co-lead counsel in numerous multi-district litigation antitrust cases and have won substantial settlements for plaintiffs in such cases. For instance, the Firm filed the initial landmark antitrust lawsuit against all of the major NASDAQ market makers and served on Plaintiffs' Counsel's Executive Committee in *In re Nasdaq Market-Makers Antitrust Litigation*, which recovered \$900 million for investors. The Firm was currently Co-Lead Counsel in *In re Korean Ramen Direct Antitrust Litigation* pending in the Northern District of California which went to trial in November 2018.

GLANCY PRONGAY & MURRAY LLP and its antitrust lawyers have represented large and medium private corporations and health and welfare funds in both Direct and Indirect Purchaser Litigation, including Tiffin Motor Homes, Inc., The Rice Co., Inc., Purdy Bros. Trucking Co., Inc., East Valley Water District, TC Construction Corp., AGS Devices Co., Ace Marine Rigging & Supply, Inc., Chandler Packaging, Inc., Trans Pak, Inc., White Oak Fund, LLP, Plumbers & Pipefitters Local 178 Health & Welfare Fund, United Firefighters Assn., United Fire Officers Assn., Carleton Trucking Co., Inc., Teamsters Local 237 Welfare Fund, The Plaza Market, and OM Commercial Neenah Oil, Inc.

The Firm's major cases include:

***Sullivan v. DB Investments***, in which the Firm served as settlement Co-Lead counsel. De Beers had exploited its market dominance to inflate the price of rough diamonds and inflated the price of diamonds down the line. De Beers suffered a default judgment and then negotiated with Plaintiff's Counsel to reach a settlement of \$295,000,000.

***In re Korean Ramen Antitrust Litig. (13-cv-4115 N.D. Cal.)***. The Firm was lead counsel for direct purchaser plaintiffs. After obtaining class certification and defeating defendants' summary judgment, a jury trial was held and tried to verdict.

***In re Korean Airlines Antitrust Litig. (MDL 1891 C.D. Cal.)***, in which the Firm served as Lead Counsel for a class of purchasers of trans-pacific airline tickets to Korea. The case settled for \$65 million.



***In re Urethane Chemical Antitrust Litig.* (MDL 1616, D. Kan. 2004).** The case was an antitrust price fixing case, in which the Firm served as Co-Lead counsel resulting in a settlement of \$33 million.

***In re Western States Wholesale Natural Gas Litig.* (MDL 1566 D. Nev.)** (\$25 Million settlement).

***In re Fresh and Process Potatoes Antitrust Litig.* (MDL 2186 D. Idaho),** where the Firm was Co-Lead counsel for indirect purchasers of potatoes. The case settled for \$5.5 million.

***In re Playmobil Products Antitrust Litig.* (95-cv-2896 E.D.N.Y.)** (attorneys at the Firm were Lead Counsel in case involving retail price maintenance agreements violating the Sherman Act).

***In re Disposable Contact Lens Litig.* (BC113271 Cal.)** (attorneys at the Firm represented a class of purchasers of disposable contact lenses in California and obtained a reversal in the appellate court of a denial of class certification).

***In re Time Warner Antitrust Litig.* (09-cv-7747 S.D.N.Y.)** (attorneys at the Firm were Co-Lead Counsel in case involving illegal tying of the products).

Currently, the Firm has Lead or Committee roles in many federal lawsuits prosecuted by plaintiffs seeking damages for antitrust violations in major industries, including:

***In re Commodity Exchange, Inc., Gold Futures and Options Trading Litig.* (14-md-02548 S.D.N.Y.).**

***In re National Football League's "Sunday Ticket" Antitrust Litig.* (15-ml-2668 C.D. Cal.).**

The Firm is also active in case involving anti-competitive schemes to keep generic drugs off the market. Currently the Firm is on the executive committee in ***In re Actos End Payor Antitrust Litig.* (13-cv-9244 S.D.N.Y.)**. The Firm has had a major role in ***In re Aggrenox Antitrust Litigation* (14-cv-2516 (D. Conn.) (settlement of \$54,000,000 pending); *In re Solodyn* (MDL 2503 D. Mass.) (settlement of \$43,000,000 pending); and *In re Opana ER Antitrust Litig.*, (14-cv10150 N.D. Ill.).** The firm also represents class members in ***In re Niaspan* (13-cv-04863 E.D. Pa.); and *In re Sensipar Antitrust Litig.* (19-cv-8561 D.N.J.)**.

The Firm is currently involved in ***In re Generic Pharmaceuticals Pricing Antitrust Litig.* (16-md-2427 E.D. Pa.)** which has been filed against a number of generic drug manufacturers for price fixing generic drugs.

The Firm is currently prosecuting many market manipulation cases involving violations of antitrust and commodities laws, including ***Sullivan v. Barclays PLC*** (manipulation of Euribor rate), ***In re Foreign Exchange Benchmark Rates Antitrust Litig.***, ***In re Gold Futures & Options Trading Litig.***, ***In re LIBOR***, ***In re Platinum & Palladium Antitrust Litig.***, ***Sonterra Cap. Master Fund v. Credit Suisse Group AG*** (Swiss Libor rate manipulation), ***Twin City Iron Pension Fund v. Bank of Nova Scotia*** (manipulation of treasury securities), and ***Ploss v. Kraft Foods Group*** (manipulation of wheat prices).

The Firm currently also has a major role in:

***In re Heating Control Panel Direct Purchaser Action (12-md-02311 E.D. Mich.)*** (price-fixing action involving direct purchasers of heating control panels vehicles).

***In re Cathode Ray Tube (CRT) Antitrust Litig. (MDL 2496 N.D. Cal.)*** (price-fixing action involving direct purchasers of cathode ray tubes).

***In re Instrument Panel Clusters Direct Purchaser Action (12-md-02311 E.D. Mich.)*** (price-fixing action involving direct purchasers of instrument panel clusters).

In addition to the foregoing, the Firm also represents clients in:

***In re Payment Card Interchange Fee and Merchant Discount Litig. (MDL 1720 E.D.N.Y)***

***In re Domestic Airline Travel Antitrust Litig. (15-MC-1404 D.D.C. )***

***In re Liquid Aluminum Sulfate Antitrust Litig. (15-cv-6799 D.N.J.)***

***In re Capacitors Antitrust Litig. (14-cv-3264 N.D. Cal.)***

***In re LIBOR-Based Financial Instruments Antitrust Litig. (11-md-2262 S.D.N.Y.)***

***In re Occupational Safety Systems Cases (12-cv-600 E.D. Mich.)***

***In re NCAA Student-Athlete Name & Likeness Licensing Litig. (9-cv-1967 N.D. Cal.)***



## CONSUMER LITIGATION

GLANCY PRONGAY & MURRAY LLP successfully litigated on behalf of consumers throughout the United States. Individuals in our society work hard to provide for their families and deserve to rely upon truthful information when purchasing products and services. Accordingly, we fight for consumers when corporations attempt to deceive or take advantage of customers. Consumer fraud occurs when a customer buys a product that does not perform as represented or advertised, or purchases services that are not the same as represented or advertised.

The Firm is committed to protecting and defending the rights of defrauded consumers. Our Consumer Practice Group focuses upon companies that reap millions of dollars in profits by misrepresenting their products or services. In many instances, class actions provide the only viable avenue to vindicate his or her rights as a consumer. Accordingly, the Firm has taken a leading role in many of the most significant federal and consumer fraud cases throughout the country. Indeed, the Firm's Consumer Practice Group has obtained outstanding results for consumers. For example, in *Pascussi v. Airtouch Communications*, a cellular phone service provider improperly charged all of its Michigan customers for certain calls. Through our class action lawsuit, the Firm recovered a settlement of \$30 million for injured consumers. The Firm's Consumer Practice Group similarly represents consumers nationwide in a variety of important consumer cases and has achieved significant results through our efforts.

The Firm has also represented clients in many security breached and breach of privacy cases, including *Gordon v. Chipotle Mexican Grill, Inc.*, (D. Colo. 17-cv-1415); *Hameed-Bolden v. Forever 21 Retail* (C.D. Cal. 18-cv-3019); *In re Yahoo! Inc. Customer Data Breach Sec. Litig.* (N.D. Cal. 16-md-2752); *Brady v. Scotty's Holdings* (N.D. Ind. 19-cv-4782); *Whalen v. Sunrise Med. Labs.* (E.D.N.Y. 19-cv-4378); *In re Marriott Int'l. Inc. Customer Data Sec. Breach Litig.* (D. Md. 19-md-2879); *In re Capital One Consumer Data Security Breach Litig.* (E.D. Va. 19-md-2915); *Beckett v. Aetna, Inc.* (E.D. Pa. 17-cv-3864); *In re Anthem, Inc. Data Breach Litig.* (N.D. Cal. 15-md-2617).

We have achieved many significant recoveries including:

### ***Naevus Int'l. v. AT&T Corp.*, N.Y. Supreme Case No. 602191/1999**

Attorneys now at the Firm represented a class of consumers who subscribed to AT&T's Digital One Rate wireless service. The case eventually settled for benefits worth \$40 million.

### ***Pascussi v. Airtouch Communications*, 2004 WL 3511400**

This was a consumer case against Airtouch Communications regarding claims against a cellular phone service provider improperly charging all of its Michigan customers for certain calls. GLANCY PRONGAY & MURRAY LLP recovered a settlement of \$30,000,000 for class members.

***Shin v. BMW of North America*, 2009 WL 2163509**

After GLANCY PRONGAY & MURRAY LLP defeated defendants' motion to dismiss, the case settled on very favorable terms for class members including free replacement of cracked wheels for their BMW vehicles.

***Esslinger v. HSBC Bank Nevada, N.A.*, E.D. Pa. Case No. 10-cv-03213**

This case was on behalf of HSBC credit card holders who paid for "payment protection" services. A \$23,500,000 settlement was approved in 2013.

***Villefranche v. HSBC Bank Nevada, N.A.*, C.D. Cal. Case No. 09-cv-3639**

After defeating defendants' motion to dismiss, the case resulted in a 100% recovery to class members who were improperly charged a higher rate of interest on their credit cards.

***In Re Discover Payment Protection Plan Marketing and Sales Practices Litigation*, N.D. Ill. Case No. 10-cv-06994**

Brought on behalf of Discover credit card holders for deceptive sales and marketing practices. The case settled for \$10,500,000.

## **CORPORATE MERGERS & ACQUISITIONS LITIGATION**

Through our Corporate Mergers & Acquisitions Litigation Practice Group, the Firm is heavily active in securities fraud prevention. The Firm brings actions on behalf of shareholders of companies that have entered into management-led buyouts, mergers, tender-offers, or other business combinations. Corporate directors - who are required to act as fiduciaries for shareholders - sometimes breach their fiduciary duties because of material conflicts or other issues. The Firm has litigated numerous cases on behalf of shareholders who have been treated unfairly or received inadequate consideration in a merger or business combination. The Firm's efforts have resulted in millions of dollars in increased consideration for shareholders, the disclosure of material information enabling shareholders to better assess the fairness of proposed transactions, and significant structural changes to merger agreements designed to protect and maximize shareholder value.

Lawyers at GLANCY PRONGAY & MURRAY LLP have been active in scores of cases such as these, including litigation involving takeovers of Claire's Stores, Inc., Charlotte Russe Holding, Inc., BJ Services, Co., Hearst-Argyle Television, Inc., Medarex, Inc., Centerplate, Inc., Sirna Therapeutics, Inc., Chaparral Resources, Inc., The Topps Company, Inc., Genentech, Inc., Jacuzzi Brands, Inc.; Burlington Northern Santa Fe; Black & Decker Inc., 3Com Corp.; Alcon, Inc., XTO Energy, Inc.; Continental Airlines, Inc.; Facet Biotech Corp.; Infogroup Inc.; Double-Take Software, Inc.; Iowa Telecom. Serv., Inc.; Maine & Maritimes Corp.; Millipore Corp.; American Italian Pasta Corp.; Argon ST. Inc.; ATC Tech. Corp.; Northstar Neuroscience, Inc.; Abraxis Bioscience Inc.; Trubion Pharmaceuticals, Inc.; Pactiv Corp.; Polymer Group, Inc.; Citadel Broadcasting Corp.; Hewitt Associates, Inc.; Thermadyne Holdings Corp.; Wainwright Bank & Trust Co.; Jo-Ann Stores, Inc.; NYMagic, Inc.; NYSE Euronext; Smurfit-Stone Container Corp.; RAE Systems, Inc.; Actel Corp.; ArcSight, Inc.; Pride Int'l Inc.; Nat'l Semiconductor Corp.; OptionsXpress Corp.; LaBarge, Inc.; K-Sea Trans. Partners, LLC; The Gymboree Corp.; Frontier Oil Corp.; Emergency Medical Services Corp.; Tomotherapy Inc.; Del Monte Foods Co.; Warner Music Group Corp.; Smart Modular Techs., Inc.; Int'l Coal Group; and Interactive Data Corp.

## **DERIVATIVE & CORPORATE GOVERNANCE LITIGATION**

GLANCY PRONGAY & MURRAY LLP has a robust Derivative & Corporate Governance Litigation Practice. Many corporate officers and directors engage in misconduct that wastes corporate assets, undermines faith in the financial markets, and diminishes the trust of shareholders. The Firm's fervent commitment to corporate accountability has enabled us to seek governance reforms that will align the interests of management with those of shareholders. Our efforts also serve to deter fraud and other corporate wrongdoing.

Throughout our Derivative & Corporate Governance Litigation Practice Group, the Firm is focused upon restoring accountability, preserving corporate assets, improving transparency, and protecting shareholder value. Because shareholder derivative actions often result in significant corporate governance reforms that have a positive impact on the long-term interests of shareholders, we utilize such litigation to demand accountability on behalf of our clients. Through these efforts, the Firm has worked to create important changes in corporate governance and to protect investors against future instances of securities fraud.

The Firm was involved in the News Corp. litigation, in the Delaware Chancery Court, in which News Corp. recovered \$139 million in insurance proceeds.

## PARTNERS

**LIONEL Z. GLANCY**, a graduate of University of Michigan Law School, is the founding partner of the Firm. After serving as a law clerk for United States District Judge Howard McKibben, he began his career as an associate at a New York law firm concentrating in securities litigation. Thereafter, he started a boutique law firm specializing in securities litigation, and other complex litigation, from the Plaintiff's perspective. Mr. Glancy has established a distinguished career in the field of securities litigation over the last fifteen years, having appeared and been appointed lead counsel on behalf of aggrieved investors in securities class action cases throughout the country. He has appeared and argued before dozen of district courts and a number of appellate courts. His efforts have resulted in the recovery of hundreds of millions of dollars in settlement proceeds for huge classes of shareholders. Well known in securities law, he has lectured on its developments and practice, including having lectured before Continuing Legal Education seminars and law schools.

Mr. Glancy was born in Windsor, Canada, on April 4, 1962. Mr. Glancy earned his undergraduate degree in political science in 1984 and his Juris Doctor degree in 1986, both from the University of Michigan. He was admitted to practice in California in 1988, and in Nevada and before the U.S. Court of Appeals, Ninth Circuit in 1989.

**BRIAN MURRAY** is admitted to the bars of Connecticut, New York, and the United States District Courts for the Southern, Eastern, Western, and Northern Districts of New York, the Eastern District of Michigan, the District of Connecticut, the District of Nebraska, the Eastern and Western Districts of Arkansas, the First, Second, and Fifth, and Ninth Circuit Courts of Appeal, and the United States Supreme Court. He received Bachelor of Arts and Master of Arts degrees from the University of Notre Dame in 1983 and 1986, respectively. He received a Juris Doctor degree, *cum laude*, from St. John's University School of Law in 1990. At St. John's, he was the Articles Editor of the ST. JOHN'S LAW REVIEW. Mr. Murray co-wrote: *Jurisdição Estrangeira Tem Papel Relevante Na De Fiesa De Investidores Brasileiros*, ESPACA JURIDICO BOVESPA (August 2008); *The Proportionate Trading Model: Real Science or Junk Science?*, 52 CLEVELAND ST. L. REV. 391 (2004-05); *The Accident of Efficiency: Foreign Exchanges, American Depository Receipts, and Space Arbitrage*, 51 BUFFALO L. REV. 383 (2003); *You Shouldn't Be Required To Plead More Than You Have To Prove*, 53 BAYLOR L. REV. 783 (2001); *He Lies, You Die: Criminal Trials, Truth, Perjury, and Fairness*, 27 NEW ENGLAND J. ON CIVIL AND CRIMINAL CONFINEMENT 1 (2001); *Subject Matter Jurisdiction Under the Federal Securities Laws: The State of Affairs After Itoba*, 20 MARYLAND J. OF INT'L L. AND TRADE 235 (1996); *Determining Excessive Trading in Option Accounts: A Synthetic Valuation Approach*, 23 U. DAYTON L. REV. 316 (1997); *Catch-22 for Investors: Averaging Down Held to Preclude Fraud Remedies*, NEW YORK LAW JOURNAL (March 31, 2014); *Loss Causation Pleading Standard*, NEW YORK LAW JOURNAL (Feb. 25, 2005); *The PSLRA 'Automatic Stay' of Discovery*, NEW YORK LAW JOURNAL (March 3, 2003); and *Inherent Risk In Securities Cases In The Second Circuit*, NEW YORK LAW JOURNAL (Aug. 26, 2004). He also authored *Protecting The Rights of International Clients in U.S. Securities Class Action Litigation*, INTERNATIONAL LITIGATION NEWS (Sept. 2007); *Lifting the PSLRA "Automatic Stay" of Discovery*, 80 N. DAK L. REV. 405 (2004); *Aftermarket Purchaser Standing Under § 11 of the Securities Act of 1933*, 73 ST. JOHN'S L. REV. 633 (1999); *Recent Rulings Allow Section 11 Suits By Aftermarket Securities Purchasers*, NEW YORK LAW JOURNAL (Sept. 24, 1998); and *Comment, Weissmann v. Freeman*:

*The Second Circuit Errs in its Analysis of Derivative Copy-rights by Joint Authors*, 63 ST. JOHN'S L. REV. 771 (1989).

Mr. Murray was on the trial team that prosecuted a securities fraud case under Section 10(b) of the Securities Exchange Act of 1934 against Microdyne Corporation in the Eastern District of Virginia and he was also on the trial team that presented a claim under Section 14 of the Securities Exchange Act of 1934 against Artek Systems Corporation and Dynatach Group which settled midway through the trial.

Mr. Murray's major cases include

*In re Horsehead Holding Corp. Sec. Litig.*, No. 16-cv-292, 2018 WL 4838234 (D. Del. Oct. 4, 2018) (recommending denial of motion to dismiss securities fraud claims where company's generic cautionary statements failed to adequately warn of known problems for zinc processing plant); *In re Deutsche Bank Sec. Litig.*, 328 F.R.D. 71 (S.D.N.Y. 2018) (granting class certification for Securities Act claims and rejecting defendants' argument that class representatives' trading profits made them atypical class members); *Robb v. Fitbit Inc.*, 216 F. Supp. 3d 1017 (N.D. Cal. 2016) (denying motion to dismiss securities fraud claims where confidential witness statements sufficiently established scienter); *In re Eagle Bldg. Tech. Sec. Litig.*, 221 F.R.D. 582 (S.D. Fla. 2004), 319 F. Supp. 2d 1318 (S.D. Fla. 2004) (complaint against auditor sustained due to magnitude and nature of fraud; no allegations of a "tip-off" were necessary); *In re Turkcell Iletisim A.S. Sec. Litig.*, 209 F.R.D. 353 (S.D.N.Y. 2002) (defining standards by which investment advisors have standing to sue); *In re Turkcell Iletisim A.S. Sec. Litig.*, 202 F. Supp. 2d 8 (S.D.N.Y. 2001) (liability found for false statements in prospectus concerning churn rates); *Feiner v. SS&C Tech., Inc.*, 11 F. Supp. 2d 204 (D. Conn. 1998) (qualified independent underwriters held liable for pricing of offering); *Malone v. Microdyne Corp.*, 26 F.3d 471 (4th Cir. 1994) (reversal of directed verdict for defendants); and *Adair v. Bristol Tech. Systems, Inc.*, 179 F.R.D. 126 (S.D.N.Y. 1998) (aftermarket purchasers have standing under section 11 of the Securities Act of 1933). Mr. Murray also prevailed on an issue of first impression in the Superior Court of Massachusetts, in *Cambridge Biotech Corp. v. Deloitte and Touche LLP*, in which the court applied the doctrine of continuous representation for statute of limitations purposes to accountants for the first time in Massachusetts. 6 Mass. L. Rptr. 367 (Mass. Super. Jan. 28, 1997). In addition, in *Adair v. Microfield Graphics, Inc.* (D. Or.), Mr. Murray settled the case for 47% of estimated damages. In the *Qiao Xing Universal Telephone* case, claimants received 120% of their recognized losses.

Among his current cases, Mr. Murray is currently co-lead counsel in the two securities class actions: *In re Deutsche Bank Sec. Litig.* (S.D.N.Y.), and *In re Horsehead Holding Corp. Sec. Litig.* (D. Del.).

Mr. Murray served as a Trustee of the Incorporated Village of Garden City (2000-2002); Commissioner of Police for Garden City (2000-2001); Co-Chairman, Derivative Suits Subcommittee, American Bar Association Class Action and Derivative Suits Committee, (2007-2010); Member, Sports Law Committee, Association of the Bar for the City of New York, 1994-1997; Member, Litigation Committee, Association of the Bar for the City of New York, 2003-2007; Member, New York State Bar Association Committee on Federal Constitution and Legislation, 2005-2008; Member, Federal Bar Council, Second Circuit Committee, 2007-present.



Mr. Murray has been a panelist at CLEs sponsored by the Federal Bar Council and the Institute for Law and Economic Policy, at the German-American Lawyers Association Annual Meeting in Frankfurt, Germany, and is a frequent lecturer before institutional investors in Europe and South America on the topic of class actions.

**ROBERT V. PRONGAY** is a partner in the Firm's Los Angeles office where he focuses on the investigation, initiation, and prosecution of complex securities cases on behalf of institutional and individual investors. Mr. Prongay's practice concentrates on actions to recover investment losses resulting from violations of the federal securities laws and various actions to vindicate shareholder rights in response to corporate and fiduciary misconduct.

Mr. Prongay has extensive experience litigating complex cases in state and federal courts nationwide. Since joining the Firm, Mr. Prongay has successfully recovered millions of dollars for investors victimized by securities fraud and has negotiated the implementation of significant corporate governance reforms aimed at preventing the reoccurrence of corporate wrongdoing. Some recent cases in which the Firm was appointed as lead counsel that Mr. Prongay has worked on include:

- Representation of the lead plaintiffs in *Fuller v. Imperial Holdings*, a putative securities class action on behalf of investors alleging violations of the Securities Act of 1933 in connection with the company's \$189 million initial public offering. The lawsuit relates to misrepresentations and omissions about the company's business practices and involvement in illegal stranger-originated life insurance transactions. This matter is ongoing;
- Representation of the lead plaintiffs in *Curry v. Hansen Medical, Inc.*, a putative securities class action on behalf investors alleging violations of the Securities Exchange Act of 1934. The case relates to the company's restatement of several quarters of financial statements as a result of, among others, improper revenue recognition and accounting irregularities. The court recently upheld the sufficiency of the plaintiffs' allegations. This matter is ongoing;
- Representation of the lead plaintiffs in *Ho v. Duoyuan Global Water, Inc.*, a putative securities class action on behalf of investors alleging violations of the Securities Act of 1933 and the Securities Exchange Act of 1934. The case relates to misrepresentations and omissions about the financial condition and operations of a Chinese company publicly traded in the United States. The court recently upheld the sufficiency of the plaintiffs' allegations. This matter is ongoing;
- Representation of the lead plaintiff in *Crotteau v. Addus Homecare Corp.*, a securities class action on behalf of investors alleging violations of the Securities Act of 1933 in connection with the company's initial public offering. The case settled for \$3 million;
- Representation of the lead plaintiff in *Murdeshwar v. Search Media Holdings Ltd.*, a securities class action alleging violations of the Securities Exchange Act of 1934. During the course of the litigation, the court found that the lead plaintiff had adequately alleged that the proxy materials provided to the investors of the special-purpose acquisition company contained misstatements and omissions about the company being acquired. The case settled for \$2.75 million;

- Representation of the lead plaintiffs in *Mishkin v. Zynex Inc.*, a securities class action on behalf of investors alleging violations of the Securities Exchange Act of 1934. The case related to the company's restatement of its financial results and involved allegations that the company had engaged in a systematic scheme to over-bill insurance companies from which the company had routinely sought payment for the sale and rental of its products. After the court found the lead plaintiffs had adequately alleged violations of the federal securities laws, the case settled for \$2.5 million; and
- Representation of the plaintiff in *Binder v. Shacknai*, a shareholder derivative action alleging various breaches of fiduciary duty under state law by the board of directors of a publicly traded company in connection with the company's restatement of its historical financial results. The settlement of the action conferred substantial benefits on the corporation through the adoption of corporate governance reforms designed to protect the company and its shareholders against future instances of wrongdoing and broadly improve the corporate governance of the company.

Several of Mr. Prongay's cases have received national and regional press coverage. Mr. Prongay has been interviewed by journalists and writers for national and industry publications, ranging from *The Wall Street Journal* to the *Los Angeles Daily Journal*. Mr. Prongay recently appeared as a guest on Bloomberg Television where he was interviewed about the securities litigation stemming from the high-profile initial public offering of Facebook, Inc.

Mr. Prongay received his Bachelor of Arts degree in Economics from the University of Southern California and his Juris Doctor degree from Seton Hall University School of Law. Mr. Prongay is also an alumnus of the Lawrenceville School.

**LEE ALBERT** was admitted to the bars of the Commonwealth of Pennsylvania, the State of New Jersey, and the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey in 1986. He received his B.S. and M.S. degrees from Temple University and Arcadia University in 1975 and 1980, respectively, and received his J.D. degree from Widener University School of Law in 1986. Upon graduation from law school, Mr. Albert spent several years working as a civil litigator in Philadelphia, PA. Mr. Albert has extensive litigation and appellate practice experience having argued before the Supreme and Superior Courts of Pennsylvania and has over fifteen years of trial experience in both jury and non-jury cases and arbitrations. Mr. Albert has represented a national health care provider at trial obtaining injunctive relief in federal court to enforce a five-year contract not to compete on behalf of a national health care provider and injunctive relief on behalf of an undergraduate university.

Currently, Mr. Albert represents clients in all types of complex litigation including matters concerning violations of federal and state antitrust and securities laws, mass tort/product liability and unfair and deceptive trade practices. Mr. Albert was also on the trial team that tried the case to verdict in *In re Korean Ramen Direct Antitrust Litig.* in the Northern District of California. Mr. Albert's current major cases include *In re National Football League Sunday Ticket Antitrust Litig.* (C.D. Cal.); *Staley v. Gilead Sciences, Inc.* (N.D. Cal.) (Executive Committee); *In Re Automotive Wire Harness Systems Antitrust Litig.* (E.D. Mich.); *In Re Heater Control Panels Antitrust Litig.* (E.D. Mich.); *Kleen Products v. Packaging Corp. of Amer.* (N.D. Ill.); and *In re Actos End Payor Antitrust Litig.* (13-cv-9244 S.D.N.Y.) (Executive Committee). Previously,



Mr. Albert had a significant role in *Marine Products Antitrust Litig.* (C.D. Cal.) (Executive Committee); *Baby Products Antitrust Litig.* (E.D. Pa.); *In re ATM Fee Litig.* (N.D. Cal.); *In re Canadian Car Antitrust Litig.* (D. Me.); *In re Broadcom Sec. Litig.* (C.D. Cal.); and has worked on *In re Avandia Marketing, Sales Practices and Products Liability Litig.* (E.D. Pa.); *In re Ortho Evra Birth Control Patch Litig.* (N.J. Super. Ct., Middlesex County); *In re AOL Time Warner, Inc. Sec. Litig.* (S.D.N.Y.); *In re WorldCom, Inc. Sec. Litig.* (S.D.N.Y.); and *In re Microsoft Corp. Massachusetts Consumer Protection Litig.* (Mass. Super. Ct.).

**KEVIN F. RUF** graduated from the University of California at Berkeley in 1984 with a Bachelor of Arts in Economics and earned his Juris Doctor degree from the University of Michigan in 1987. Mr. Ruf was admitted to the State Bar of California in 1988. Mr. Ruf was an associate at the Los Angeles firm Manatt Phelps and Phillips from 1988 until 1992, where he specialized in commercial litigation and was a leading trial lawyer among the associates there. In 1993, he joined the firm Corbin & Fitzgerald in order to gain experience in criminal law. There, he specialized in white collar criminal defense work, including matters related to National Medical Enterprises, Cynergy Film Productions, and the Estate of Doris Duke. Mr. Ruf joined the Firm in 2001 and has taken a lead trial lawyer role in many of the Firm's cases. In 2006, Mr. Ruf argued before the California Supreme Court in the case *Smith v. L'Oreal* and achieved a unanimous reversal of the lower court rulings; the case established a fundamental right of all California workers to immediate payment of all earnings at the conclusion of employment. In 2007, Mr. Ruf took an important case before the Ninth Circuit Court of Appeals, convincing the Court to affirm the lower court's certification of a class action in a fraud case (fraud cases have traditionally faced difficulty as class actions because of the requirement of individual reliance). Mr. Ruf has extensive trial experience, including jury trials, and considers his courtroom and oral advocacy skills to be his strongest asset as a litigator. Mr. Ruf currently acts as the Head of the Firm's Labor and Consumer Practice, and has extensive experience in securities cases as well. Mr. Ruf also has experience in real estate law and has been a Licensed California Real Estate Broker since 1999.

**GREGORY B. LINKH** works out of the New York office, where he concentrates on antitrust, securities, shareholder derivative, and consumer litigation. Greg graduated from the State University of New York at Binghamton in 1996 and from the University of Michigan Law School in 1999. While in law school, Greg externed with United States District Judge Gerald E. Rosen of the Eastern District of Michigan. Greg was previously associated with the law firms Dewey Ballantine LLP, Pomerantz Haudek Block Grossman & Gross LLP, and Murray Frank LLP.

Greg is the co-author of *Inherent Risk In Securities Cases In The Second Circuit*, NEW YORK LAW JOURNAL (Aug. 26, 2004); *Staying Derivative Action Pursuant to PSLRA and SLUSA*, NEW YORK LAW JOURNAL, P. 4, COL. 4 (Oct. 21, 2005) and the SECURITIES REFORM ACT LITIGATION REPORTER, Vol. 20, No. 3 (Dec. 2005).

Greg was one of the lead trial counsel in *In re Korean Ramen Direct Antitrust Litig.*, which was one of the rare antitrust class action cases to be tried to a jury verdict. Currently Greg's major cases include *In re Horsehead Holding Corp. Sec. Litig.*; and *In re Heating Control Panel Direct Purchaser Action* (12-md-02311 E.D. Mich.).

**JOSHUA L. CROWELL** concentrates his practice on prosecuting complex securities cases on behalf of investors. Currently, he is pursuing federal securities class actions against Hansen Medical, Inc., and Green Dot Corp.

Prior to joining Glancy Prongay & Murray LLP, Joshua was an associate at Labaton Sucharow LLP in New York, where he helped secure large federal securities class settlements in In re Countrywide Financial Corporation Securities Litigation (\$624 million) and the Oppenheimer Champion and Core Bond fund cases (\$100 million combined). He began his legal career as an Associate at Paul, Hastings, Janofsky & Walker LLP in New York, primarily representing clients in the financial industry in commercial litigation.

Prior to attending law school, Joshua was a Senior Economics Consultant at Ernst & Young LLP, where he priced intercompany transactions and calculated the value of intellectual property. Joshua received a J.D., *cum laude*, from The George Washington University Law School. During law school, he was an Associate of The George Washington Law Review and a member of the Mock Trial Board. He was also a law intern for Chief Judge Edward J. Damich of the United States Court of Federal Claims. Joshua earned a B.A. in International Relations from Carleton College.

**KARA M. WOLKE**'s practice spans consumer, labor, securities, and other complex class action prosecution. She has extensive experience in written appellate advocacy in both State and Federal Circuit Courts of Appeals, and has successfully argued before the Court of Appeal for the State of California.

Ms. Wolke graduated *summa cum laude* with a B.S.B.A. in Economics from The Ohio State University in 2001, and subsequently earned her J.D. (with honors) from Ohio State, where she was active in Moot Court and received the Dean's Award for Excellence during each of her three years. In 2005, she was a finalist in a national writing competition co-sponsored by the American Bar Association and the Grammy® Foundation. (published at 7 VAND. J. ENT. L. & PRAC. 411). Ms. Wolke is admitted to the State Bar of California, the Ninth Circuit Court of Appeals, as well as the United States District Courts for the Northern, Southern, and Central Districts of California.

**JONATHAN M. ROTTER** leads the Firm's intellectual property litigation practice. He recently served for three years as the first Patent Pilot Program Law Clerk at the United States District Court for the Central District of California. There, he assisted the Honorable S. James Otero, Andrew J. Guilford, George H. Wu, John A. Kronstadt, and Beverly Reid O'Connell with hundreds of patent cases in every major field of technology, from complaint to post-trial motions. Before his service to the court, Mr. Rotter practiced at an international law firm, where he argued appeals at the Federal Circuit, Ninth Circuit, and California Court of Appeal, as well as tried cases, argued motions, and managed all aspects of complex litigation. His cases involved diverse technologies in both "wet" and "dry" disciplines, and he excels at the critical skill of translating complex subject matter into a coherent story that can be digested by judges and juries.

In addition to intellectual property matters, Mr. Rotter has handled cases involving antitrust, securities, banking, real estate, government, business disputes, product liability, and professional

liability. Mr. Rotter served as a law clerk to the Honorable Milan D. Smith, Jr., at the United States Court of Appeals for the Ninth Circuit. He also served as a volunteer criminal prosecutor for the Los Angeles City Attorney's Office.

Mr. Rotter graduated with honors from Harvard Law School in 2004. He served as an editor of the Harvard Journal of Law & Technology, and was selected to be a Fellow in Law and Economics at the John M. Olin Center for Law, Economics, and Business, and a Fellow in Justice, Welfare, and Economics at the Weatherhead Center For International Affairs. He graduated with honors from the University of California, San Diego in 2000 with a B.S. in molecular biology and a B.A. in music.

Mr. Rotter is admitted to practice before the United States Patent & Trademark Office, the United States Courts of Appeals for the Ninth and Federal Circuits, and the United States District Courts for the Northern, Central, and Southern Districts of California. He has written extensively on intellectual property issues, and has been honored for his work with legal service organizations.

**JOSEPH D. COHEN** has extensive complex civil litigation experience, and currently oversees the firm's settlement department, negotiating, documenting, and obtaining court approval of the firm's securities, merger, and derivative settlements.

Prior to joining the firm, Mr. Cohen successfully prosecuted numerous securities fraud, consumer fraud, antitrust and constitutional law cases in federal and state courts throughout the country. Cases in which Mr. Cohen took a lead role include: *Jordan v. California Dep't of Motor Vehicles*, 100 Cal. App. 4<sup>th</sup> 431 (2002) (complex action in which the California Court of Appeal held that California's Non-Resident Vehicle \$300 Smog Impact Fee violated the Commerce Clause of the United States Constitution, paving the way for the creation of a \$665 million fund and full refunds, with interest, to 1.7 million motorists); *In re Geodyne Res., Inc. Sec. Litig.* (Harris Cty. Tex.) (settlement of securities fraud class action, including related litigation, totaling over \$200 million); *In re Cmty. Psychiatric Centers Sec. Litig.* (C.D. Cal.) (settlement of \$55.5 million was obtained from the company and its auditors, Ernst & Young, LLP); *In re McLeodUSA Inc., Sec. Litig.* (N.D. Iowa) (\$30 million settlement); *In re Arakis Energy Corp. Sec. Litig.* (E.D.N.Y.) (\$24 million settlement); *In re Metris Cos., Inc., Sec. Litig.* (D. Minn.) (\$7.5 million settlement); *In re Landry's Seafood Rest., Inc. Sec. Litig.* (S.D. Tex.) (\$6 million settlement); and *Freedman v. Maspeth Fed. Loan and Savings Ass'n*, (E.D.N.Y.) (favorable resolution of issue of first impression under RESPA resulting in full recovery of improperly assessed late fees).

Mr. Cohen was also a member of the teams that obtained substantial recoveries in the following cases: *In re: Foreign Exchange Benchmark Rates Antitrust Litig.* (S.D.N.Y.) (partial settlements of approximately \$2 billion); *In re Washington Mutual Mortgage-Backed Sec. Litig.* (W.D. Wash.) (settlement of \$26 million); *Mylan Pharm., Inc. v. Warner Chilcott Public Ltd. Co.* (E.D. Pa.) (\$8 million recovery in antitrust action on behalf of class of indirect purchasers of the prescription drug Doryx); *City of Omaha Police and Fire Ret. Sys. v. LHC Group, Inc.* (W.D. La.) (securities class action settlement of \$7.85 million); and *In re Pacific Biosciences of Cal., Inc. Sec. Litig.* (Cal. Super. Ct.) (\$7.6 million recovery).

In addition, Mr. Cohen was previously the head of the settlement department at Bernstein Litowitz Berger & Grossmann LLP. While at BLB&G, Mr. Cohen had primary responsibility for overseeing the team working on the following settlements, among others: *In Re Merck & Co., Inc. Sec., Deriv. & "ERISA" Litig.* (D.N.J.) (\$1.062 billion securities class action settlement); *New York State Teachers' Ret. Sys. v. General Motors Co.* (E.D. Mich.) (\$300 million securities class action settlement); *In re JPMorgan Chase & Co. Sec. Litig.* (S.D.N.Y.) (\$150 million settlement); *Dep't of the Treasury of the State of New Jersey and its Division of Inv. v. Cliffs Natural Res. Inc., et al.* (N.D. Ohio) (\$84 million securities class action settlement); *In re Penn West Petroleum Ltd. Sec. Litig.* (S.D.N.Y.) (\$19.76 million settlement); and *In re BioScrip, Inc. Sec. Litig.* (\$10.9 million settlement).

**SUSAN G. KUPFER** is a partner in the Firm's Berkeley office. Ms. Kupfer joined the Firm in 2003 and received her A.B. degree from Mount Holyoke College in 1969 and her Juris Doctor degree from Boston University School of Law in 1973. She did graduate work at Harvard Law School and, in 1977, was named Assistant Dean and Director of Clinical Programs at Harvard, supervising and teaching in that program of legal practice and related academic components.

For much of her legal career, Ms. Kupfer has been a professor of law. Her areas of academic expertise are Civil Procedure, Federal Courts, Conflict of Laws, Constitutional Law, Legal Ethics, and Jurisprudence. She has taught at Harvard Law School, Hastings College of the Law, Boston University School of Law, Golden Gate University School of Law, and Northeastern University School of Law. From 1991 through 2002, she was a lecturer on law at the University of California, Berkeley, Boalt Hall, teaching Civil Procedure and Conflict of Laws. Her publications include articles on federal civil rights litigation, legal ethics, and jurisprudence. She has also taught various aspects of practical legal and ethical training, including trial advocacy, negotiation, and legal ethics, to both law students and practicing attorneys.

Ms. Kupfer previously served as corporate counsel to The Architects Collaborative in Cambridge and San Francisco, and was the Executive Director of the Massachusetts Commission on Judicial Conduct. She returned to the practice of law in San Francisco with Morgenstein & Jubelirer and Berman DeValerio LLP before joining the Firm.

Ms. Kupfer's practice is concentrated in complex antitrust litigation. She has served as Co-Lead Counsel in several multidistrict antitrust cases: *In re Photochromic Lens Antitrust Litig.* (MDL 2173, M.D. Fla. 2010); *In re Fresh and Process Potatoes Antitrust Litig.* (D. ID. 2011); *In re Korean Air Lines Antitrust Litig.* (MDL No. 1891, C.D. Cal. 2007); *In re Urethane Antitrust Litigation* (MDL 1616, D. Kan. 2004); *In re Western States Wholesale Natural Gas Litigation* (MDL 1566, D. Nev. 2005); and *Sullivan v. DB Investments* (D.N.J. 2004). She has been a member of the lead counsel teams that achieved significant settlements in: *In re Sorbates Antitrust Litigation* (\$96.5 million settlement); *In re Pillar Point Partners Antitrust Litigation* (\$50 million settlement); and *In re Critical Path Securities Litigation* (\$17.5 million settlement).

Ms. Kupfer is a member of the bar of Massachusetts and California, and is admitted to practice before the United States District Courts for the Northern, Central, Eastern, and Southern Districts of California, the District of Massachusetts, the Courts of Appeals for the First and Ninth Circuits, and the U.S. Supreme Court.

**MARC L. GODINO** has extensive experience successfully litigating complex, class action lawsuits as a plaintiffs' lawyer. Mr. Godino has played a primary role in cases resulting in settlements of more than \$100 million. He has prosecuted securities, derivative, merger & acquisition, and consumer cases throughout the country in both state and federal court, as well as represented defrauded investors at FINRA arbitrations. Mr. Godino manages the Firm's consumer class action department.

While an associate with Stull Stull & Brody, Mr. Godino was one of the two primary attorneys involved in *Small v. Fritz Co.*, 30 Cal. 4th 167 (April 7, 2003), in which the California Supreme Court created new law in the State of California for shareholders that held shares in detrimental reliance on false statements made by corporate officers. The decision was widely covered by national media including *The National Law Journal*, the *Los Angeles Times*, the *New York Times*, and the *New York Law Journal*, among others, and was heralded as a significant victory for shareholders.

Recent successes with the Firm include: *In re Magma Design Automation, Inc. Securities Litig.*, Case No. 05-2394 (N.D. Cal.) (\$13,500,000 cash settlement for shareholders); *In re Hovnanian Enterprises, Inc. Sec. Litig.*, Case No. 08-cv-0099 (D.N.J.) (\$4,000,000 cash settlement for shareholders); *In re Skilled Healthcare Group, Inc. Sec. Litig.*, Case No. 09-5416 (C.D. Cal.) (\$3,000,000 cash settlement for shareholders); *In re Youbet.com, Inc. Shareholder Litig.*, Case No. BC426144 (L.A. Sup. Ct.) (settlement provided supplemental disclosures to shareholders in this merger action); *Burth v. MSC Software Corp.*, Case No. 30-2009-00282743 (Orange Cty. Sup. Ct.) (settlement provided supplemental disclosures to shareholders in this merger action); *Kelly v. Phiten USA, Inc.*, Case No. 11-67 (S.D. Iowa) (\$3.2 million dollar cash settlement in addition to injunctive relief); *Shin v. BMW of North America*, 2009 WL 2163509 (C.D. Cal. July 16, 2009) (after defeating a motion to dismiss, the case settled on very favorable terms for class members including free replacement of cracked wheels); *Payday Advance Plus, Inc. v. MIVA, Inc.*, Case No. 06-1923 (S.D.N.Y.) (\$3,936,812 cash settlement for class members); *Villefranche v. HSBC Bank Nevada, N.A.*, Case No. 09-3693 (C.D. Cal.) (after defeating a motion to dismiss, the case resulted in 100% recovery to class members); *Esslinger v. HSBC Bank Nevada, N.A.*, Case No. 10-03213 (E.D. Pa.) (\$23.5 million settlement pending final approval); *In re Discover Payment Protection Plan Marketing and Sales Practices Litig.*, Case No. 10-06994 (\$10.5 million settlement pending final approval).

Other published decisions include: *In re 2TheMart.com Sec. Litig.*, 114 F. Supp. 2d 955 (C.D. Cal. 2002) (motion to dismiss denied); *In re Irvine Sensors Sec. Litig.*, 2003 U.S. Dist. LEXIS 18397 (C.D. Cal. 2003) (motion to dismiss denied); *Shin v. BMW of North America*, 2009 WL 2163509 (C.D. Cal. July 16, 2009) (motion to dismiss denied); *In re Toyota Motor Corp. Hybrid Brake Marketing, Sales, Practices and Products Liability Litig.*, 2011 WL 6189467 (C.D. Cal. Dec. 13, 2011) (motion to compel arbitration denied).

Mr. Godino received his undergraduate degree from Susquehanna University with a Bachelor of Science degree in Business Management. He received his Juris Doctor degree from Whittier Law School in 1995.



Mr. Godino is admitted to practice before the State of California, the United States District Courts for the Central, Northern, and Southern Districts of California, the District of Colorado, and the Ninth Circuit Court of Appeals.

**EX KANO S. SAMS II** earned his Bachelor of Arts degree in Political Science from the University of California Los Angeles. Mr. Sams earned his Juris Doctor degree from the University of California Los Angeles School of Law, where he served as a member of the *UCLA Law Review*. After law school, Mr. Sams practiced class action civil rights litigation on behalf of plaintiffs. Subsequently, Mr. Sams was a partner at Coughlin Stoia Geller Rudman & Robbins LLP (currently Robbins Geller Rudman & Dowd LLP) – the largest plaintiffs’ class action firm in the country – where his practice focused on securities and consumer class actions on behalf of investors and consumers.

Mr. Sams has served as lead counsel in dozens of securities class actions, shareholder derivative actions, and complex litigation cases throughout the United States. In conjunction with the efforts of co-counsel, Mr. Sams briefed and successfully obtained the reversal in the Ninth Circuit of an order dismissing class action claims brought pursuant to Sections 11 and 15 of the Securities Act of 1933. *Hemmer Group v. SouthWest Water Co.*, No 11-56154, 2013 WL 2460197 (9th Cir. June 7, 2013). In another securities case that he actively litigated, Mr. Sams assisted in a successful appeal before a Fifth Circuit panel that included former United States Supreme Court Justice Sandra Day O’Connor sitting by designation, in which the court unanimously vacated the lower court’s denial of class certification, reversed the lower court’s grant of summary judgment, and issued an important decision on the issue of loss causation in securities litigation: *Alaska Electrical Pension Fund v. Flowserve Corp.*, 572 F.3d 221 (5th Cir. 2009). The case settled for \$55 million.

Mr. Sams has also obtained other significant results. Notable examples include: *Forbush v. Goodale*, No. 33538/2011, 2013 WL 582255 (N.Y. Sup. Feb. 4, 2013) (denying motions to dismiss in a shareholder derivative action); *Curry v. Hansen Med.*, No. C 09-5094 CW, 2012 WL 3242447 (N.D. Cal. Aug. 10, 2012) (upholding securities fraud complaint; case settled for \$8.5 million); *Wilkof v. Caraco Pharm. Labs.*, 280 F.R.D. 332 (E.D. Mich. 2012) (granting class certification); *Puskala v. Koss Corp.*, 799 F. Supp. 2d 941 (E.D. Wis. 2011) (upholding securities fraud complaint); *Mishkin v. Zynex Inc.*, Civil Action No. 09-cv-00780-REB-KLM, 2011 WL 1158715 (D. Colo. Mar. 30, 2011) (denying defendants’ motion to dismiss securities fraud complaint); *Wilkof v. Caraco Pharm. Labs.*, No. 09-12830, 2010 WL 4184465 (E.D. Mich. Oct. 21, 2010) (upholding securities fraud complaint and cited favorably by the Eighth Circuit in *Public Pension Fund Grp. v. KV Pharm. Co.*, 679 F.3d 972, 981-82 (8th Cir. 2012)); and *Tsirekidze v. Syntax-Brilliant Corp.*, No. CV-07-02204-PHX-FJM, 2009 WL 2151838 (D. Ariz. July 17, 2009) (granting class certification; case settled for \$10 million).

Additionally, Mr. Sams has successfully represented consumers in class action litigation. Mr. Sams worked on nationwide litigation and a trial against major tobacco companies, and in statewide tobacco litigation that resulted in a \$12.5 billion recovery for California cities and counties in a landmark settlement. He also was a principal attorney in a consumer class action against one of the largest banks in the country that resulted in a substantial recovery and a change in the company’s business practices. Mr. Sams also participated in settlement negotiations on behalf of environmental organizations along with the United States Department

of Justice and the Ohio Attorney General's Office that resulted in a consent decree requiring a company to perform remediation measures to address the effects of air and water pollution.

Mr. Sams is a member of the Los Angeles County Bar Association, the John M. Langston Bar Association, the Consumer Attorneys of California, the Association of Business Trial Lawyers, and Public Justice. Mr. Sams regularly volunteers at the Brookins Legal Clinic at Brookins Community A.M.E. Church to provide pro bono legal services to low-income and underrepresented individuals in South Central Los Angeles. Mr. Sams also serves as a mentor to law students through the John M. Langston Bar Association.

**CASEY E. SADLER** graduated from the University of Southern California, Gould School of Law and joined the Firm in 2010. While attending law school, Mr. Sadler externed for the Enforcement Division of the Securities and Exchange Commission, spent a summer working for P.H. Parekh & Co. -- one of the leading appellate law firms in New Delhi, India -- and was a member of USC's Hale Moot Court Honors Program.

Mr. Sadler is an associate in the Firm's Los Angeles office and he concentrates in securities and consumer litigation. Mr. Sadler is admitted to the State Bar of California, and the United States District Courts for the Northern, Southern, and Central Districts of California.

**MATTHEW M. HOUSTON**, a partner in the firm's New York office, graduated from Boston University School of Law in 1988. Mr. Houston is an active member of the Bar of the State of New York and an inactive member of the bar for the Commonwealth of Massachusetts. Mr. Houston is also admitted to the United States District Courts for the Southern and Eastern Districts of New York and the District of Massachusetts, and the Second, Seventh, Ninth, and Eleventh Circuit Court of Appeals of the United States. Mr. Houston repeatedly has been selected as a New York Metro Super Lawyer.

Mr. Houston has substantial courtroom experience involving complex actions in federal and state courts throughout the country. Mr. Houston was co-lead trial counsel in one the few ERISA class action cases taken to trial asserting breach of fiduciary duty claims against plan fiduciaries, *Brieger v. Tellabs, Inc.*, No. 06-CV-01882 (N.D. Ill.), and has successfully prosecuted many ERISA actions, including *In re Royal Ahold N.V. Securities and ERISA Litigation*, Civil Action No. 1:03-md-01539. Mr. Houston has been one of the principal attorneys litigating claims in multi-district litigation concerning employment classification of pickup and delivery drivers and primarily responsible for prosecuting ERISA class claims resulting in a \$242,000,000 settlement; *In re FedEx Ground Package Inc. Employment Practices Litigation*, No. 3:05-MD-527 (MDL 1700). Mr. Houston recently presented argument before the Eleventh Circuit Court of Appeals on behalf of a class of Florida pickup and delivery drivers obtaining a reversal of the lower court's grant of summary judgment. Mr. Houston represented the interests of Nevada and Arkansas drivers employed by FedEx Ground obtaining significant recoveries on their behalf. Mr. Houston also served as lead counsel in multi-district class litigation seeking to modify insurance claims handling practices; *In re UnumProvident Corp. ERISA Benefits Denial Actions*, No. 1:03-cv-1000 (MDL 1552).

Mr. Houston has played a principal role in numerous derivative and class actions wherein substantial benefits were conferred upon plaintiffs: *In re: Groupon Derivative Litigation*, No. 12-

cv-5300 (N.D. Ill. 2012) (settlement of consolidated derivative action resulting in sweeping corporate governance reform estimated at \$159 million); *Bangari v. Lesnik, et al.*, No. 11 CH 41973 (Illinois Circuit Court, County of Cook) (settlement of claim resulting in payment of \$20 million to Career Education Corporation and implementation of extensive corporate governance reform); *In re Diamond Foods, Inc. Shareholder Litig.*, No. CGC-11-515895 (California Superior Court, County of San Francisco) (\$10.4 million in monetary relief including a \$5.4 million clawback of executive compensation and significant corporate governance reform); *Pace American Shareholder Litig.*, 94-92 TUC-RMB (securities fraud class action settlement resulting in a recovery of \$3.75 million); *In re Bay Financial Securities Litig.*, Master File No. 89-2377-DPW, (D. Mass.) (settlement of action based upon federal securities law claims resulting in class recovery in excess of \$3.9 million); *Goldsmith v. Tech. Solutions Co.*, 92 C 4374 (N.D. Ill. 1992) (recovery of \$4.6 million as a result of action alleging false and misleading statements regarding revenue recognition).

In addition to numerous employment and derivative cases, Mr. Houston has litigated actions asserting breach of fiduciary duty in the context of mergers and acquisitions. Mr. Houston has been responsible for securing millions of dollars in additional compensation and structural benefits for shareholders of target companies: *In re Instinet Group, Inc. Shareholders Litig.*, C.A. No. 1289 (Del. Ch.); *Jasinover v. The Rouse Co.*, Case No. 13-C-04-59594 (Maryland Circuit Court); *McLaughlin v. Household Int'l, Inc.*, Case No. 02 CH 20683 (Ill. Circuit Court); *Sebesta v. The Quizno's Corp.*, Case No. 2001 CV 6281 (Col. District Court); *Crandon Capital Partners v. Kimmel*, C.A. No. 14998 (Del. Ch.); and *Crandon Capital Partners v. Kimmel*, C.A. No. 14998 (Del. Ch. 1996) (settlement whereby acquiring company provided an additional \$10.4 million in merger consideration).

**DANIELLA QUITT**, a partner in the firm's New York office, graduated from Fordham University School of Law in 1988, is a member of the Bar of the State of New York, and is also admitted to the United States District Courts for the Southern and Eastern Districts of New York and the United States Court of Appeals for the Second, Fifth, and Ninth Circuits.

Ms. Quitt has extensive experience in successfully litigating complex class actions from inception to trial and has played a significant role in numerous actions wherein substantial benefits were conferred upon plaintiff shareholders, such as *In re Safety-Kleen Corp. Stockholders Litig.*, (D.S.C.) (settlement fund of \$44.5 million); *In re Laidlaw Stockholders Litig.*, (D.S.C.) (settlement fund of \$24 million); *In re UNUMProvident Corp. Sec. Litig.*, (D. Me.) (settlement fund of \$45 million); *In re Harnischfeger Ind.* (E.D. Wisc.) (settlement fund of \$10.1 million); *In re Oxford Health Plans, Inc. Deriv. Litig.*, (S.D.N.Y.) (settlement benefit of \$13.7 million and corporate therapeutics); *In re JWP Inc. Sec. Litig.*, (S.D.N.Y.) (settlement fund of \$37 million); *In re Home Shopping Network, Inc., Deriv. Litig.*, (S.D. Fla.) (settlement benefit in excess of \$20 million); *In re Graham-Field Health Products, Inc. Sec. Litig.*, (S.D.N.Y.) (settlement fund of \$5.65 million); *Benjamin v. Carusona*, (E.D.N.Y.) (prosecuted action on behalf of minority shareholders which resulted in a change of control from majority-controlled management); *In re Rexel Shareholder Litig.*, (Sup. Ct. N.Y. County) (settlement benefit in excess of \$38 million); and *Croyden Assoc. v. Tesoro Petroleum Corp.*, (Del. Ch.) (settlement benefit of \$19.2 million).



In connection with the settlement of *Alessi v. Beracha*, (Del. Ch.), a class action brought on behalf of the former minority shareholders of Earthgrains, Chancellor Chandler commented: “I give credit where credit is due, Ms. Quitt. You did a good job and got a good result, and you should be proud of it.”

Ms. Quitt has focused her practice on shareholder rights and ERISA class actions but also handles general commercial and consumer litigation. Ms. Quitt serves as a member of the S.D.N.Y. ADR Panel and has been consistently selected as a New York Metro Super Lawyer.

**BENJAMIN I. SACHS-MICHAELS**, a partner in the firm’s New York office, graduated from Benjamin N. Cardozo School of Law in 2011. His practice focuses on shareholder derivative litigation and class actions on behalf of shareholders and consumers.

While in law school, Mr. Sachs-Michaels served as a judicial intern to Senior United States District Judge Thomas J. McAvoy in the United States District Court for the Northern District of New York and was a member of the Cardozo Journal of Conflict Resolution.

Mr. Sachs-Michaels is a member of the Bar of the State of New York. He is also admitted to the United States District Courts for the Southern and Eastern Districts of New York and the United States Court of Appeals for the Second Circuit.

#### **SENIOR COUNSEL**

**JASON L. KRAJCER** is senior counsel in the firm’s Los Angeles office. He specializes in complex securities cases and has extensive experience in all phases of litigation (fact investigation, pre-trial motion practice, discovery, trial, appeal).

Prior to joining Glancy Prongay & Murray LLP, Mr. Krajcer was an associate at Goodwin Procter LLP where he represented issuers, officers, and directors in multi-hundred million and billion dollar securities cases. He began his legal career at Orrick, Herrington & Sutcliffe LLP, where he represented issuers, officers, and directors in securities class actions, shareholder derivative actions, and matters before the SEC.

Mr. Krajcer is admitted to the State Bar of California, the Bar of the District of Columbia, the United States Supreme Court, the Ninth Circuit Court of Appeals, and the United States District Courts for the Central and Southern Districts of California.

#### **ASSOCIATES**

**GARTH A. SPENCER** joined the firm in 2016 and is based in the New York office. His work includes securities, antitrust, and consumer litigation. Mr. Spencer also works on whistleblower matters. Mr. Spencer received his B.A. in Mathematics from Grinnell College in 2006. He received his J.D. in 2011 from Duke University School of Law, where he was a staff editor on the Duke Law Journal. From 2011 until 2014 he worked in the tax group of a large, international law firm. Since 2014 he has worked on tax whistleblower matters. Immediately prior to joining Glancy Prongay & Murray, Mr. Spencer attended New York University where he received an LL.M. in Taxation.

**BRIAN D. BROOKS** joined the New York office of Glancy Prongay & Murray LLP in 2019, specializing in antitrust, consumer, and securities litigation. Prior to joining the firm, Mr. Brooks was an active member of the trial team for the class in *In re: Nexium Antitrust Litigation*, the first post-*Actavis* reverse-payment case to be tried to verdict. He was also an active member of the litigation team in the *In re: Provigil*, *In re: Prograf*, and *In re: Miralax* antitrust matters, which collectively settled for more than \$600 million, as well as the *In re: Suboxone* and *In re: Niaspan* antitrust matters, which are still pending. Mr. Brooks received his B.A. from Northwestern State University of Louisiana in 1998 and his J.D. from Washington and Lee School of Law in 2002, and is admitted to practice in New York and Louisiana.

**LEANNE HEINE SOLISH** joined Glancy Prongay & Murray LLP in 2012. Leanne graduated *summa cum laude* from Tulane University with a B.S.M. in Accounting and Finance in 2007, and she received her J.D. from the University of Texas School of Law in 2011. While attending law school, Leanne was an editor for the Texas International Law Journal, a student attorney for the Immigration and Worker Rights Clinics, and she externed with MALDEF and the Texas Civil Rights Project. Leanne is a member of the Beta Gamma Sigma Business Honors Society. She is a registered CPA in Illinois, and was admitted to the California State Bar in 2011.

**THOMAS J. KENNEDY** works out of the New York office, where he concentrates on securities, antitrust, and consumer litigation. He received a Juris Doctor degree from St. John's University School of Law in 1995. At St. John's, he was a member of the ST. JOHN'S JOURNAL OF LEGAL COMMENTARY. Tom graduated from Miami University in 1992 with a Bachelor of Science degree in Accounting and has passed the CPA exam. Tom was previously associated with the law firm Murray Frank LLP.

**CHRISTOPHER FALLON** joined the firm in 2013 specializing in securities, consumer, and anti-trust litigation. Prior to joining the firm, Mr. Fallon was a contract attorney with O'Melveny & Myers LLP working on anti-trust and business litigation disputes. He is a Certified E-Discovery Specialist through the Association of Certified E-Discovery Specialists (ACEDS).

Mr. Fallon earned his J.D. and a Certificate in Dispute Resolution from Pepperdine Law School in 2004. While attending law school, Christopher worked at the Pepperdine Special Education Advocacy Clinic and interned with the Rhode Island Office of the Attorney General. Prior to attending law school, he graduated from Boston College with a Bachelor of Arts in Economics and a minor in Irish Studies, then served as Deputy Campaign Finance Director on a U.S. Senate campaign.

**DANIELLE L. MANNING** joined the firm in 2016. Ms. Manning received her Bachelor of Arts degree with honors in Environmental Analysis from Claremont McKenna College. Ms. Manning received her Juris Doctor degree from the University of California Los Angeles School of Law, where she served as Chief Managing Editor of the *Journal of Environmental Law and Policy*. While attending law school, Ms. Manning externed for the Honorable Laurie D. Zelon in the California Court of Appeal and interned for the California Department of Justice, Office of the Attorney General. Prior to law school, Ms. Manning worked as a paralegal in a large law firm.

**JENNIFER M. LEINBACH** joined the firm in 2016. Prior to joining the firm, Ms. Leinbach served for nearly five years as a judicial law clerk for a number of judges in the Central District of California. As a judicial law clerk, Ms. Leinbach was responsible for assisting these judges with case management, preparing for hearings and trial, and drafting rulings. Ms. Leinbach worked on a variety of different cases, including cases involving financial fraud, insolvency and complex civil litigation. Ms. Leinbach was also responsible for assisting those judges, sitting by designation, on appellate cases.

Ms. Leinbach graduated *magna cum laude* from Vermont Law School and was a member of *Vermont Law Review*, where she focused on environmental law issues. During law school, Ms. Leinbach served as a judicial extern in the District of Vermont. She obtained her undergraduate degree *cum laude* from Pepperdine University.

**ALEXA MULLARKY** joined the Firm in 2015. Ms. Mullarky graduated *cum laude* from the University of Washington with a Bachelor of Arts degree in Law, Societies, and Justice. Ms. Mullarky received her Juris Doctor degree from the USC Gould School of Law, where she was a member of the Hale Moot Court Honors Program Executive Board. While attending law school, Ms. Mullarky interned in the legal department of Southern California Edison, a Fortune 500 company, where she worked in energy regulations.

**CHARLES H. LINEHAN** joined the Firm in 2015. Mr. Linehan graduated *summa cum laude* from the University of California, Los Angeles with a Bachelor of Arts degree in Philosophy and a minor in Mathematics. Mr. Linehan received his Juris Doctor degree from the UCLA School of Law, where he was a member of the UCLA Moot Court Honors Board. While attending law school, Mr. Linehan participated in the school's First Amendment Amicus Brief Clinic (now the Scott & Cyan Banister First Amendment Clinic) where he worked with nationally recognized scholars and civil rights organizations to draft amicus briefs on various Free Speech issues.

**MELISSA WRIGHT** joined the Firm in 2014. Melissa received her J.D. from the UC Davis School of Law in 2012, where she was a board member of Tax Law Society and externed for the California Board of Equalization's Tax Appeals Assistance Program focusing on consumer use tax issues. Melissa also graduated from NYU School of Law, where she received her LL.M. in Taxation in 2013.

**DANA K. VINCENT** received her J.D. in 2002 from Georgetown University Law Center in Washington D.C. and her B.A. *cum laude* from Spellman College in 1995. Dana also earned an M.A. in Economics from the New School in 1999, where she was the Aaron Diamond Fellow. Ms. Vincent has served as a Law Clerk to the Hon. Sterling Johnson, Jr. of Brooklyn, NY, and has significant experience in the New York Office of the Attorney General where she served as an Assistant Attorney General from 2003-2006. She was a consultant to the Marshall Project, an online journalism organization focusing on U.S. Criminal Justice issues.

**MEHRDAUD JAFARNIA** received his J.D. in 2001 from Southwestern University School of Law, having earlier earned a B.A. in Political Science/International Relations from the University of California at Los Angeles (UC Regents Merit Scholarship Award and the Vance Burch Scholarship). Mr. Jafarnia served as a Staff Attorney for the 9th Circuit Court of Appeals

and has represented financial institutions in adversary and evidentiary proceedings in the Bankruptcy Courts.

**VAHE MESROPYAN** joined the firm in 2018 and focuses his practice on litigating securities class actions. Immediately prior to joining the firm, Mr. Mesropyan served as a judicial law clerk for multiple judges in the U.S. District Court for the Central District of California. Prior to his clerkship, Mr. Mesropyan was an associate at Crowell & Moring LLP, where he represented Fortune 500 companies in complex antitrust matters.

Mr. Mesropyan received his J.D. from the University of California, Irvine School of Law as a Dean's Merit Scholarship recipient. While in law school, he clerked for the Federal Trade Commission, Consumer Protection Unit and served as an extern for the Internal Revenue Service, Office of Chief Counsel.

**NOREEN R. SCOTT** received her J.D. in 2002 from Tulane Law School and earned a B.A. in Economics from Emory University in 1999. She served as a law clerk to the Hon. Charles R. Jones on the Louisiana State Court of Appeal, and has extensive experience prosecuting complex class action cases.

**NATALIE S. PANG** is an associate in the firm's Los Angeles office. Ms. Pang has advocated on behalf of thousands of consumers during her career. Ms. Pang has extensive experience in case management and all facets of litigation: from a case's inception through the discovery process—including taking and defending depositions and preparing witnesses for depositions and trial—mediation and settlement negotiations, pretrial motion work, trial and post-trial motion work.

Prior to joining the firm, Ms. Pang lead the mass torts department of her last firm, where she managed the cases of over two thousand individual clients. There, Ms. Pang worked on a wide variety of complex state and federal matters which included cases involving pharmaceutical drugs, medical devices, auto defects, toxic torts, false advertising, and uninhabitable conditions. Ms. Pang was also trial counsel in the notable case, *Celestino Acosta et al. v. City of Long Beach et al.* (BC591412) which was brought on behalf of residents of a mobile home park built on a former trash dump and resulted in a \$39.5 million verdict after an eleven-week jury trial in Los Angeles Superior Court.

Ms. Pang received her J.D. from Loyola Law School. While in law school, Ms. Pang received a Top 10 Brief Award as a Scott Moot Court competitor, was chosen to be a member of the Scott Moot Court Honor's Board, and competed as a member of the National Moot Court Team. Ms. Pang was also a Staffer and subsequently an Editor for Loyola's Entertainment Law Review as well as a Loyola Writing Tutor. During law school, Ms. Pang served as an extern for: the Hon. Rolf Treu (Los Angeles Superior Court), the Los Angeles City Attorney's Office, and the Federal Public Defender's Office. Ms. Pang obtained her undergraduate degree from the University of Southern California and worked in the healthcare industry prior to pursuing her career in law.

## OF COUNSEL

**PETER A. BINKOW** has prosecuted lawsuits on behalf of consumers and investors in state and federal courts throughout the United States. He served as Lead or Co-Lead Counsel in many class action cases, including: *In re Mercury Interactive Sec. Litig.* (\$117.5 million recovery); *Schleicher v. Wendt* (Conseco Securities litigation - \$41.5 million recovery); *Lapin v Goldman Sachs* (\$29 million recovery); *In re Heritage Bond Litigation* (\$28 million recovery); *In re National Techteam Sec. Litig.* (\$11 million recovery for investors); *In re Lason Inc. Sec. Litig.* (\$12.68 million recovery), *In re ESC Medical Systems, Ltd. Sec. Litig.* (\$17 million recovery); and many others. In *Schleicher v Wendt*, Mr. Binkow successfully argued the seminal Seventh Circuit case on class certification, in an opinion authored by Chief Judge Frank Easterbrook. He has argued and/or prepared appeals before the Ninth Circuit, Seventh Circuit, Sixth Circuit and Second Circuit Courts of Appeals.

Mr. Binkow joined the Firm in 1994, became a partner in 2002, and took Of Counsel status in 2015. He was born on August 16, 1965 in Detroit, Michigan. Mr. Binkow obtained a Bachelor of Arts degree from the University of Michigan in 1988 and a Juris Doctor degree from the University of Southern California in 1994.

**MARK S. GREENSTONE** concentrates on consumer, financial fraud, and employment-related class actions. Possessing significant law and motion and trial experience, Mr. Greenstone has represented clients in multi-million dollar disputes in California state and federal courts, as well as the Court of Federal Claims in Washington, D.C.

Mr. Greenstone received his training as an associate at Sheppard, Mullin, Richter & Hampton LLP where he specialized in complex business litigation relating to investment management, government contracts and real estate. Upon leaving Sheppard Mullin, Mr. Greenstone founded an internet-based company offering retail items on multiple platforms nationwide. He thereafter returned to law bringing a combination of business and legal skills to his practice.

Mr. Greenstone graduated Order of the Coif from the UCLA School of Law. He also received his undergraduate degree in Political Science from UCLA, where he graduated Magna Cum Laude and was inducted into the Phi Beta Kappa honor society.

Mr. Greenstone is a member of the Consumer Attorneys Association of Los Angeles, the Santa Monica Bar Association and the Beverly Hills Bar Association. He is admitted to practice in state and federal courts throughout California.

**ROBERT I. HARWOOD** graduated from William and Mary Law School in 1971, and has specialized in securities law and securities litigation since beginning his career in 1972 at the Enforcement Division of the New York Stock Exchange. Mr. Harwood was a founding member of Harwood Feffer LLP. He has prosecuted numerous securities, class, derivative, and ERISA actions. He is a member of the Trial Lawyers' Section of the New York State Bar Association and has served as a guest lecturer at trial advocacy programs sponsored by the Practicing Law Institute. In a statewide survey of his legal peers published by Super Lawyers Magazine, Mr. Harwood has been consistently selected as a "New York Metro Super Lawyer." Super Lawyers are the top five percent of attorneys in New York, as chosen by their peers and through the



independent research. He is also a Member of the Board of Directors of the MFY Legal Services Inc., which provides free legal representation in civil matters to the poor and the mentally ill in New York City. Since 1999, Mr. Harwood has also served as a Village Justice for the Village of Dobbs Ferry, New York.

Commenting on Mr. Harwood's abilities, in *In re Royal Dutch/Shell Transport ERISA Litigation*, (D.N.J.), Judge Bissell stated: "the Court knows the attorneys in the firms involved in this matter and they are highly experienced and highly skilled in matters of this kind. Moreover, in this case it showed. Those efforts were vigorous, imaginative and prompt in reaching the settlement of this matter with a minimal amount of discovery . . . . So both skill and efficiency were brought to the table here by counsel, no doubt about that."

Likewise, Judge Hurley stated in connection with *In re Olsten Corporation Securities Litigation*, No. 97 CV-5056 (E.D.N.Y. Aug. 31, 2001), wherein a settlement fund of \$24.1 million was created: "The quality of representation here I think has been excellent." Mr. Harwood was lead attorney in *Meritt v. Eckerd*, No. 86 Civ. 1222 (E.D.N.Y. May 30, 1986), where then Chief Judge Weinstein observed that counsel conducted the litigation with "speed and skill" resulting in a settlement having a value "in the order of \$20 Million Dollars." Mr. Harwood prosecuted the *Hoeniger v. Aylsworth* class action litigation in the United States District Court for the Western District of Texas (No. SA-86-CA-939), which resulted in a settlement fund of \$18 million and received favorable comment in the August 14, 1989 edition of *The Wall Street Journal* ("*Prospector Fund Finds Golden Touch in Class Action Suit*" p. 18, col. 1). Mr. Harwood served as co-lead counsel in *In Re Interco Incorporated Shareholders Litigation*, Consolidated C.A. No. 10111 (Del. Ch.) (May 25, 1990), resulting in a settlement of \$18.5 million, where V.C. Berger found, "This is a case that has an extensive record that establishes it was very hard fought. There were intense efforts made by plaintiffs' attorneys and those efforts bore very significant fruit in the face of serious questions as to ultimate success on the merits."

Mr. Harwood served as lead counsel in *Morse v. McWhorter* (Columbia/HCA Healthcare Securities Litigation) (M.D. Tenn.), in which a settlement fund of \$49.5 million was created for the benefit of the Class, as well as *In re Bank One Securities Litigation*, (N.D. Ill.), which resulted in the creation of a \$45 million settlement fund. Mr. Harwood also served as co-lead counsel in *In re Safety-Kleen Corp. Stockholders Litigation*, (D.S.C.), which resulted in a settlement fund of \$44.5 million; *In re Laidlaw Stockholders Litigation*, (D.S.C.), which resulted in a settlement fund of \$24 million; *In re AIG ERISA Litigation*, (S.D.N.Y.), which resulted in a settlement fund of \$24.2 million; *In re JWP Inc. Securities Litigation*, (S.D.N.Y.), which resulted in a \$37 million settlement fund; *In re Oxford Health Plans, Inc. Derivative Litigation*, (S.D.N.Y.), which resulted in a settlement benefit of \$13.7 million and corporate therapeutics; and *In re UNUMProvident Corp. Securities Litigation*, (D. Me.), which resulted in the creation of settlement fund of \$45 million. Mr. Harwood has also been one of the lead attorneys in litigating claims in *In re FedEx Ground Package Inc. Employment Practices Litigation*, No. 3:05-MD-527 (MDL 1700), a multi-district litigation concerning employment classification of pickup and delivery drivers which resulted in a \$242,000,000 settlement.

**STAN KARAS**, of counsel in the Los Angeles office, is an experienced class action attorney, who works on every stage of such cases from pleading challenges to class certification proceedings to trial and appeal. He is also an experienced trial lawyer, including as first chair.

Among other successes, he obtained a \$3 million jury verdict for a client, along with a finding that the defendant was liable for punitive damages. In another trial, the court granted non-suit in favor of Mr. Karas's client after he delivered the opening argument.

Mr. Karas started his legal career at Paul Hastings Janofsky and Walker, where he handled complex commercial and real estate litigation. Subsequently, he joined Quinn Emanuel Urquhart & Sullivan, where he specialized in class actions, both on the plaintiff and the defense side, as well as intellectual property litigation. Mr. Karas then worked at a plaintiff-side class action firm where he obtained tens of millions of dollars in settlements on behalf of his clients.

Mr. Karas is a graduate of Stanford University, where he received a degree in History and Literature and was elected to Phi Beta Kappa. He graduated from Boalt Hall School of Law at UC Berkeley. In law school, Mr. Karas served as Articles Editor of the California Law Review and Notes and Comments Editor of the Berkeley Technology Law Journal. Mr. Karas has published on class action and privacy law issues including Privacy, Identity, Databases, 52 AM. U. L. REV. 393 (2002) and The Role of Fluid Recovery in Consumer Protection Litigation, 90 CAL. L. REV. 959 (2002).